

107TH CONGRESS  
2D SESSION

# H. R. 3846

To amend the Immigration and Nationality Act to authorize the submission of an application for naturalization under section 322 of such Act on behalf of a child by the child's grandparent or legal guardian, if the parent who otherwise would be authorized to submit such application is deceased.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2002

Mr. FRANK introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to authorize the submission of an application for naturalization under section 322 of such Act on behalf of a child by the child's grandparent or legal guardian, if the parent who otherwise would be authorized to submit such application is deceased.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Equal Rights of Citi-  
5       zenship for Children of Deceased Parents Act”.

1 **SEC. 2. APPLICATION FOR NATURALIZATION BY ALTER-**  
2 **NATIVE APPLICANT IF CITIZEN PARENT HAS**  
3 **DIED.**

4 Section 322(a) of the Immigration and Nationality  
5 Act (8 U.S.C. 1433(a)) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by inserting “(or, if the citizen parent  
8 has died during the preceding 10 years, a cit-  
9 izen grandparent or citizen legal guardian)”  
10 after “citizen of the United States”; and

11 (B) by striking “such parent” and insert-  
12 ing “such applicant”;

13 (2) in paragraph (1), by inserting “(or, at the  
14 time of his or her death, was)” after “parent”;

15 (3) in paragraph (2)—

16 (A) in subparagraph (A), by inserting “(or,  
17 at the time of his or her death, had)” after  
18 “has”; and

19 (B) in subparagraph (B), by inserting  
20 “(or, at the time of his or her death, had)”  
21 after “has” the first place such term appears;

22 (4) by amending paragraph (4), to read as fol-  
23 lows:

24 “(4) The child is residing outside of the United  
25 States in the legal and physical custody of the appli-

1 cant (or, if the citizen parent is deceased, an indi-  
2 vidual who does not object to the application).”; and

3 (5) by adding at the end the following:

4 “(5) The child is temporarily present in the  
5 United States pursuant to a lawful admission, and  
6 is maintaining such lawful status.”.

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